

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

JOHN RUSH,

Petitioner,

vs.

ISIDRO BACA, et. al,

Respondents.

3:15-cv-00572-HDM-WGC

**ORDER**

On December 23, 2015, this court entered an order directing petitioner Rush to show cause why this action should not be dismissed without prejudice for lack of exhaustion. ECF No. 5. That order advised Rush that his failure to timely respond to the order would result in the dismissal of his petition without further advance notice. *Id.*, p. 3. As of the date of this order, Rush has not responded to the order to show cause. Thus, this action shall be dismissed without prejudice.

**IT IS THEREFORE ORDERED** that petitioner's petition for writ of habeas corpus (ECF No. 6) is DISMISSED without prejudice on exhaustion grounds. The Clerk shall **enter** judgment accordingly.

**IT IS FURTHER ORDERED** that the court declines to issue a certificate of appealability.

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1           **IT IS FURTHER ORDERED** that the Clerk shall **serve** a copy of the petition and this order  
2 on the respondents via the Nevada Attorney General.

3           DATED this 2<sup>nd</sup> day of June, 2016.

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5           *Howard D. McKibbin*

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7 UNITED STATES DISTRICT JUDGE  
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